



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

377/H
RW

ICTR-02-78-A
6th April 2011
{377/H – 375/H}

IN THE APPEALS CHAMBER

Before: Judge Patrick Robinson, Pre-Appeal Judge
Registrar: Mr. Adama Dieng
Decision of: 6 April 2011

ICTR Appeals Chamber
Date: 06 April 2011
Action:
Copied To: Concerned Judges

Gaspard KANYARUKIGA
Judicial Archives, Parties, v.
LDs, LSS
[Signature]

THE PROSECUTOR

Case No. ICTR-02-78-A

**DECISION ON GASPARD KANYARUKIGA'S MOTION FOR EXTENSION
OF TIME FOR FILING THE RESPONDENT'S BRIEF**

Counsel for Gaspard Kanyarukiga

Mr. David Jacobs
Mr. David Paciocco

Office of the Prosecutor

Mr. Hassan Bubacar Jallow
Mr. James Arguin
Ms. Deborah Wilkinson

International Criminal Tribunal for Rwanda Tribunal pénal international pour le Rwanda
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME COPIE CERTIFIÉE CONFORME À L'ORIGINAL PAR NOUS
NAME / NOM: KUMELI, A. AFANDU
SIGNATURE: <i>[Signature]</i> DATE: 6 APRIL 2011

I, PATRICK ROBINSON, Judge of the Appeals Chamber of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States Between 1 January and 31 December 1994 ("Tribunal"), and Pre-Appeal Judge in this case,¹

NOTING that Trial Chamber II of the Tribunal pronounced its judgement in this case on 1 November 2010 and filed the written Judgement in English on 9 November 2010;²

NOTING that Gaspard Kanyarukiga ("Kanyarukiga") filed his "Notice of Appeal" on 9 December 2010;

NOTING that the Prosecution filed the "Prosecutor's Notice of Appeal" on 10 December 2010;

NOTING that the Prosecution filed the "Prosecutor's Appellant's Brief" on 23 February 2011;

BEING SEISED OF the "Extremely Urgent Motion to Extend Time Limits for Filing of Defence Respondent's Brief by One Day" filed on 5 April 2011 ("Motion"), in which Kanyarukiga requests a one-day extension for filing his "Defence Respondent's Brief" ("Response Brief");³

NOTING that Kanyarukiga files the Motion "out of abundance of caution" in the event his Response Brief is considered to have been filed one day late;⁴

CONSIDERING that the deadline for Kanyarukiga to file his Response Brief was 4 April 2011;

CONSIDERING that Kanyarukiga filed his Response Brief on 4 April 2011,⁵ which was within the time limit prescribed by Rule 112 of the Rules of Procedure and Evidence of the Tribunal;

FINDING therefore that the Motion is moot;

¹ Order Assigning a Pre-Appeal Judge, 14 January 2011.

² *The Prosecutor v. Gaspard Kanyarukiga*, Case No. ICTR-02-78-T, Judgement and Sentence, dated 1 November 2010, filed on 9 November 2010.

³ Motion, para. 1. I decided to rule on the Motion without awaiting a response from the Prosecution and consider that the Prosecution will not be prejudiced by the outcome of this decision.

⁴ *Idem*.

⁵ See date indicated by the Registry on the cover page of the Kanyarukiga Response Brief.

FOR THE FOREGOING REASONS,

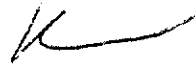
DISMISS the Request as moot.

Done in English and French, the English version being authoritative.

Done this sixth day of April 2011
At The Hague
The Netherlands.



[Seal of the Tribunal]



Judge Patrick Robinson
Pre-Appeal Judge